GENERAL PERMIT FOR UTILITY LINE CROSSINGS OF STREAMS

Construction, maintenance, repair, rehabilitation or replacement of utility line crossings of streams is hereby permitted provided the activity is done in accordance with the terms and conditions of this general permit. For the purpose of this general permit, bodies of water defined as navigable pursuant to *Section 10 of the Rivers and Harbors Act of 1899* are subject to different restrictions than all other waters regarding the specific construction methodologies to be employed. This general permit cannot be used to authorize multiple crossings of the same stream by gravity sewers.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

(a) where wetlands will be affected by the proposed work, except as provided for in item three of the special terms and conditions below;

(b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;

(c) where a portion of the proposed activity is located in a component of the National Wild and Scenic River System, a State Scenic River, or waters designated as Outstanding National Resource Waters;

(d) where the proposed project involves multiple crossings of the same stream by gravity sewers;

(e) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or

(f) when an individual permit is required.

Utility line crossing projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

Notification to the Division is required prior to commencing construction for utility line crossings and maintenance conducted in accordance with this general permit. Work may commence without written authorization from the Division. However it is the applicant's responsibility to assure that all of the terms and conditions of this general permit are met.

Special Terms and Conditions

1) Where the activity is located in waters which are not navigable pursuant to § 10, excavation and fill activities shall be separated from flowing waters. All surface water flowing toward the excavation or fill work shall be diverted, piped or flumed to the downstream side of the work. This can be accomplished through utilization of cofferdams or constructed berms in conjunction with a pipe or flume. Cofferdams must be constructed of sandbags, clean rock, steel sheeting or other non-erodible material. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

2) Where the activity is located in waters defined as navigable pursuant to § 10 of *the Rivers and Harbors Act of 1899*, excavation and fill work may be accomplished within the water column.

3) Maintenance, repair and rehabilitation of existing facilities in wetlands is authorized under the following special provisions:

(a) the total amount of excavation or fill does not exceed fifty cubic yards;

(b) the wetlands alteration is located within the right of way of the existing facility; and

(c) fill activities for the construction of equipment access roads is not authorized in wetlands.

General Terms and Conditions

1) New utility line crossings shall be located such as to avoid permanent alteration or damage to the integrity of the stream channel. Large trees, steep banks, rock outcroppings, etc. should be avoided.

2) In the case of proposed gravity sewer lines and other utility lines that follow the stream gradient or otherwise parallel the stream channel, the number of crossings shall be minimized. Where cumulative impacts are likely because of numerous crossings, an individual permit may be required.

3) The alignment of new utility line crossings shall intersect the stream channel as close to 90 degrees or as perpendicular as possible, and in no case less than 45 degrees angle from the centerline of the stream.

4) In the case of small streams with a bedrock streambed that must be blasted to form a trench, provision shall be made to prevent the loss of stream flow to fracturing of the bedrock. Where loss of surface flow is likely to occur, an individual permit may be required.

5) Soil materials must be prevented from entering waters of the state. Erosion and sedimentation control measures to protect water quality must be maintained throughout the construction period. Erosion and sedimentation controls shall include, but are not limited to straw or hay bales and/or silt fence, brush barriers, berms, sediment ponds and other proven devices. Hay bales and/or silt fence must be installed along the base of all fills and cuts, on the down hill side of stock piled soil, and along stream banks in cleared areas to prevent sedimentation to streams. They must be installed on the contour, entrenched and staked, and extend the width of the area to be cleared. Erosion and sedimentation controls must be repaired, if necessary, after rainfall.

6) Instream sedimentation control devices are not approved as primary treatment devices. They may be used only as backup or fail-safe protection. Separate erosion and sedimentation controls and sediment treatment devices must be utilized.

7) Backfill activities must be accomplished in a manner that stabilizes the streambed and banks to prevent erosion. Backfill materials shall consist of suitable materials free of contaminants. All contours must be returned to pre-project conditions. The completed work may not disrupt or impound stream flow.

8) Slurry water pumped from work areas and excavations must be held in settling basins or treated by filtration prior to its discharge into surface waters. Water must be held in settling basins until at least as clear as the receiving waters. Settling basins shall not be located closer than 20 feet from the top bank of a stream. Settling basins and traps shall be properly designed according to the size of the drainage areas or volume of water to be treated.

9) Check dams shall be utilized where runoff is concentrated. Clean rock, log, sandbag, or straw bale check dams shall be properly constructed to detain runoff and trap sediment. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants.

10) Clearing, grubbing and other disturbance to riparian vegetation shall be limited to the minimum necessary for slope construction and equipment operations. Unnecessary vegetation removal is prohibited. All disturbed areas shall be properly stabilized as soon as practicable.

11) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. All temporary fill must be completely removed after the work is completed.

12) Construction debris must be kept from entering the stream channel.

13) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.

14) Upon achievement of final grade, the disturbed streambank shall be stabilized with riprap or other suitable material. All other disturbed soils must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to achieve a vegetative cover.

15) Upon completion of construction, the stream shall be returned as nearly as possible to its original, natural conditions.

16) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date July 1, 2000 APPROVED: _____

Expiration Date June 30, 2005 Paul Davis, Director